

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Chad A. Kerens,

Plaintiff,

v.

Warden, Pickaway Correctional Institution,

Defendant.

Case No. 2:23-cv-762

Judge Michael H. Watson

Magistrate Judge Bowman

ORDER

Petitioner is a prisoner proceeding pro se. He seeks a writ of habeas corpus. Petition, ECF No. 6. The Magistrate Judge ordered Petitioner to show cause as to why the Court should not dismiss his petition as time barred and warned Petitioner that a failure to respond would result in a recommendation that the Court dismiss the Petition. Order, ECF No. 5. Petitioner failed to respond. The Magistrate Judge then issued a Report and Recommendation ("R&R") recommending the Court dismiss the Petition as time barred. R&R, ECF No. 7. The R&R notified Petitioner of his right to object to the recommendation therein and warned him of the consequences of failing to do so. *Id.*

Petitioner failed to timely object. Accordingly, the Court **ADOPTS** the R&R and **DISMISSES** the Petition as time barred. The Court **DECLINES** to issue a certificate of appealability as jurists of reason would not find the correctness of the Court's procedural ruling debatable. Further, the Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous, and Petitioner should

not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Michael H. Watson". The signature is written in a cursive, flowing style. The first name "Michael" is written with a large, prominent "M". The middle initial "H." is written in a smaller, more compact script. The last name "Watson" is written with a large, prominent "W". The signature is written on a white background.

MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT